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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

DISTEFANO, GREGORY A

ART UNIT

PAPER NUMBER

2175

MAIL DATE

DELIVERY MODE

05/27/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/792,286

Applicant(s)

COOK ET AL.

Examiner

GREGORY A. DISTEFANO

Art Unit

2175

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 February 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 2 and 12-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, and 12-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This action is in response to the appeal brief filed on 2/27/2009.
2. Claims 1, 2, and 12-15 are currently pending.
3. The finality of the office action filed on 12/12/2008 is hereby withdrawn.

In view of the Appeal Brief filed on 2/27/2009, PROSECUTION IS HEREBY REOPENED. New grounds of rejections are set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

- (1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,
- (2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

/WILLIAM L. BASHORE/
Supervisory Patent Examiner, Art Unit 2175.

Claim Objections

4. The previous objection to claim 1 is hereby withdrawn due to applicant's amendment filed 4/14/2008.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1, 2, 12, 13 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schneider et al. (US 2002/0038334), hereinafter Schneider, in view of Monnerat (US 7,155,653).

7. As per claim 1, Schneider teaches the following:

utilizing a universal serial bus (USB) protocol to provide absolute movement of the mouse cursor (forced to cross-hairs) on a host computer to an absolute position (pseudo-cursor) other than the origin if the operating system supports the use of a USB-based human interface descriptor (HID) using absolute movement of the mouse cursor to an absolute position other than the origin, (pg. 9, paragraph [0087]), i.e. the controlling computer 12 generates a pseudo-cursor (e.g. a set of cross-hairs) that indicates where the digitized cursor should be. To initialize this process, the digitizer control application 220 sets the cursor of the target computer to a known location. For example, by sending to the target computer a series of mouse commands, it is possible to drive the cursor to the upper left hand-corner, no matter where the cursor was prior the series of commands. The original cursor is then forced back down to be aligned with the cross-hairs;

synchronizing the position of a logical mouse and the position of the actual mouse the absolute movement to the absolute position other than the origin without operator intervention. As Schneider describes in pg. 3, paragraph [0031], the re-alignment of a controlled pointer to the pseudo-cursor happens automatically within the system itself.

However, Schneider does not explicitly teach a method of testing the operating system of the logical mouse to determine if it supports USB HID. Monnerat teaches the following:

testing an operating system of the logical mouse to determine if the operating system of the logical mouse supports the use of a USB-based human interface descriptor (HID) using absolute movement of a mouse cursor to

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an absolute position other than the origin, (abstract), i.e. a system for testing electronic device performance includes a test device and at least one target device coupled to the test. The test device determines when at least one test command is incompatible with the at least one target device;

The examiner interprets this teaching of Monnerat to encompass applicant's claim in that the test device could send a USB-based human interface descriptor to the target device and determine if the descriptor is compatible.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the cursor control method of Schneider with the system testing of Monnerat. One of ordinary skill in the art would have been motivated to have made such modifications because both Schneider and Monnerat are analogous art in the field of remotely communicating with a remote system. Furthermore, Schneider discusses testing systems in pg. 7, paragraph [0072].

The examiner would like to further note that testing the capabilities of a system was a well known skill in the art at the time the invention was made. Such tests could test the capabilities of a system and the actual operating system on the device such as taught in Williams et al. (US 2002/0129353).

8. Regarding claim 2, Schneider teaches the method of claim 1 as described above. Schneider further teaches the following:

a virtual presence client (VPC) calculates said logical mouse position. As Schneider teaches in pg. 9, paragraph [0087], either the digitizer control application 220 or the analyzing digitizer control application 240 may control the controlled cursor position to force it to a received position.

9. Regarding claim 12, Schneider teaches the method of claim 1 as described above. Schneider further teaches the following:

utilizing the universal serial bus (USB) protocol to provide the absolute movement of the mouse cursor comprises sending USB commands across an IP network, (pg. 3, paragraph [0029]), i.e. the controlling computer 12 also includes a communications device 53 for communicating with the target device(s). Such a device 53 may include (1) a modem for connecting via a telephone connection, (2) a wireless transceiver for wirelessly

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communicating, and (3) a wired adapter (e.g. an Ethernet or token ring adapter). In any of those configurations, the controlling computer 12 communicates with a target controller 50 using any selected communications protocol (e.g., TCP/IP, UDP or RDP).

10. Regarding claim 13, Schneider teaches the method of claim 1 as described above. Schneider further teaches the following:

buffering USB commands between the actual mouse and the host computer, (pg. 3, paragraph [0035]), i.e. the target controller 50 operates to capture the video output of the target device. The captured video signals are stored in either a frame buffer internal to the controller card or in a memory shared with other components of the computer. In addition, the controller card 50 fills a set of keyboard/mouse buffers internal to the controller card with keyboard and mouse commands to be sent to the target device.

11. Regarding claim 15, Schneider teaches the method of claim 1 as described above. Schneider further teaches the following:

aggregating mouse movement commands prior to sending the mouse movement commands across the IP network, (pg. 9, paragraph [0088], i.e. in order to avoid overloading the target computer with mouse packets, the digitizing control application 220 can queue mouse commands and send those mouse commands as a group.

12. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schneider in view of Monnerat as applied to claim 1 above and further in view Kameda (US 5,828,372).

13. Regarding claim 14, Schneider teaches the method of claim 1 as described above. However, Schneider does not explicitly teach a method where the timing of the cursor commands are emulated on the controlled system. Kameda teaches the following:

emulating the timing characteristics of the actual mouse when applying USB commands to the host computer, (column 6, lines 35-44), i.e. the terminal controller 103 causes the output information to be displayed on

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the display device 101 of user A. At the same time, the output information is transferred by the terminal controller 103 through the communication line 106 to the terminal controller 109 of user B. The terminal controller 109 causes the display device 107 to display the output information. Thus, the same output information generated by the application program 105 will be displayed on the display devices 101 and 107 of users A and B, respectively. The examiner would like to note that as Kameda's method of controlling the cursor on a controlling device and a controlled device at the same time, the timing of both cursor movements would be the same, thus the commands on the host computer emulate the timing characteristics of the actual mouse.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the cursor control method of Schneider with the real-time control method of Kameda. One skilled in the art would have been motivated to have made such modifications because both Schneider and Kameda are analogous art in the field of remotely controlling separate display devices, specifically, cursors displayed on those devices. Furthermore, Kameda directly states a problem which they look to address in column 1, lines 47-50, that "user B may experience some difficulty in learning how to manipulate the application program due to the speed at which information displayed on the display screen changes", thus describing a desire in the art to present information at a speed in which a controlling computer is operated.

Response to Arguments

14. Applicant's arguments with respect to the limitation of *"testing an operating system of the logical mouse to determine if the operating system of the logical mouse supports the use of a USB-based human interface descriptor (HID) using absolute movement of a mouse cursor to an absolute position other than the origin"* in claim 1 have been considered but are moot in view of the new ground(s) of rejection.

15. Applicant's arguments with respect to the interpretation of *"absolute movement"* have been fully considered but they are not persuasive. Applicant argues on pages 7-9 of their 2/27/2009 appeal brief, that the examiner incorrectly interpreted the meaning of "absolute movement".

The examiner respectfully disagrees.

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As stated in the 12/12/2008 final rejection, Schneider teaches moving a controlled cursor to an "absolute position" by using "absolute movement" by forcing the controlled cursor to a known position and then to the pseudo-cursor (see pg. 9, paragraph [0087]). As Schneider's method moves the cursor to an absolute position, this is interpreted as a form of absolute movement.

Conclusion

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

-Hornberger et al. (US 6,904,389), remote computer testing.

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to GREGORY A. DISTEFANO whose telephone number is (571)270-1644. The examiner can normally be reached on Monday through Friday, 9 a.m. - 5 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Bashore can be reached on (571) 272-4088. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/GREGORY A DISTEFANO/
Examiner, Art Unit 2175
5/15/2009

/WILLIAM L. BASHORE/
Supervisory Patent Examiner, Art Unit 2175